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09/870,538	05/30/2001	James K. Prucitt	8505	1320

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POLAROID CORPORATION
PATENT DEPARTMENT
1265 MAIN STREET
WALTHAM, MA 02451

EXAMINER

AVELLINO, JOSEPH E

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 09/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/870,538

Applicant(s)

PRUEITT ET AL.

Examiner

Joseph E. Avellino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-9,11-15,17-20,22-28 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-9,11-15,17-20,22-28 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date herewith.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-5, 7-9, 11-15, 17-20, 22-28, and 30 are pending in this examination. The above mentioned claims are withdrawn from Appeal pursuant to Applicant's response dated June 12, 2006. The Reply Brief Noted paper dated July 25, 2006 is hereby withdrawn.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3, 5-7, 9, 11, 12, 17-20, 22-24, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klear et al. (WO 01/03040) (hereinafter Klear) in view of Devarics (USPN 6,553,240) in view of Ishizuka (US 2002/0065873).

Referring to claim 1, Klear discloses a method of providing a service (i.e. purchasing tickets to a movie) at a device and generating, at the location of said device a permanent record (i.e. bar-coded receipt) of said service, said service and said permanent record being process by at least one of a plurality of remote servers (Figure 5, ref. 26), said method comprising the steps of:

receiving at a receiving server, from the device a request for the service (i.e. request to purchase tickets to a movie) (p. 10, lines 28-30);

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providing from the receiving center, data for the request to a service server, said service center being one of said at least one of a plurality of remote servers (p. 10, lines 28-30);

processing the request for service at the service server, said processing generating the data for the service (i.e. generating a response acknowledging the purchase of the movie tickets) (p. 10, lines 28-34);

providing said data for the service to a printing server (i.e. the movie theater POS server), said printing server being one of the plurality of remote servers (pl. 10, lines 28-34);

processing, at the printing server, said data and other stored data to generate input data (i.e. barcoded ticket) for a specific printer (it is inherent that if an object is to be printed it must be formatted in a manner such that it can be read by the printer);

transmitting to said device said input data, said input being rendered by the specific printer at the location of said device as the permanent record (p. 10, lines 28-34).

Klear does not disclose that the device is a mobile device and that the input data transmitted to the mobile device is rendered by the specific printer at the location of the mobile device. In analogous art, Devarics discloses another method to print information off of the Internet which allows input data transmitted to the mobile device (i.e. WAP device 100) to be rendered by a specific printer 120 at the location of the mobile device (it is understood that infrared 110 is a proximal method of communication between devices and that the printer must be at the location of the WAP device 100) (Figure 1;

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col. 7, lines 29-44). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Devarics with Klear since Klear discloses the usage of purchasing movie tickets via a portable device stored on the portable device without needing a hard copy while the PC requires a printout copy of the bar code (p. 10, lines 19-32). This would lead one of ordinary skill in the art to search to combine these two methods eventually arriving at Devarics and its novel method of transferring WAP printing data to a wireless printer via an infrared link (Figure 1).

Klear in view of Devarics does not specifically disclose receiving information identifying a specific printer on which to print the permanent record, and the printing server including stored print data for optimizing the quality of prints printed on various specific printers. In analogous art, Ishizuka discloses another method to print information off the Internet which includes receiving information identifying a specific printer on which to print the permanent record (e.g. abstract "*printer selected by the user*"; p. 5, ¶ 48) as well as the printing server including stored print data for optimizing the quality of prints (i.e. printer drivers for interfacing the software with the printer, this is considered "print data for optimizing the quality of prints" since the driver allows the print data to be formatted appropriately for the type and size of the printer, and the printer server converts the file to a format readable by the printer "regardless of the fonts, software, and operating system of the wireless mobile device 106") printed on various specific printers (Figure 4, ref. 413; Figure 6, ref. 607; p. 4, ¶ 43; p. 5, ¶ 49). It would have been obvious to one of ordinary skill in the art to combine the teaching of Ishizuka with Klear and Devarics in order to provide the user the ability to print to a printer which

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is not earlier known to the user, such that the server has the ability to adapt to the user allowing greater flexibility to the system and increasing the user's ability to utilize the system.

Claim 2 is rejected for similar reasons as stated above.

Referring to claim 3, Klear discloses completing a transaction at a transaction server, said transaction depending on the requested service, said transaction server being one of said at least one of a plurality of remote servers (p. 10, lines 28-32).

Referring to claim 5, Klear discloses sending a message confirming that the request for service has been fulfilled (p. 10, lines 28-32).

Referring to claim 7, Klear discloses the receiving server is the service server (p. 10, lines 28-32).

Claim 9 is rejected for similar reasons as stated above.

Referring to claim 11, Klear discloses the requested service is an event ticket (p. 10, lines 28-32).

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Referring to claim 12, Klear discloses the requested service is a coupon (the Office takes the term coupon as a tangible entity which can be exchanged for goods or services, as in the printed bar code) (p. 10, lines 28-32).

Claims 17-20, 22-24, and 30 are rejected for similar reasons as stated above.

Claims 4, 8, 13-15, and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klear in view of Devarics in view of Ishizuka as stated in the claims above, and further in view of Fidler (USPN 6,725,051).

Referring to claim 4, Klear in view of Devarics in view of Ishizuka discloses the invention substantively as described in claim 2. Klear in view of Devarics in view of Ishizuka do not specifically disclose receiving at the receiving server data on the location of the mobile device, said data generated by means for determining the location of the device. In analogous art, Fidler discloses another location based service provider which discloses receiving at the receiving server data on the location of the mobile device, said data generated by means for determining the location of the device (col. 2, lines 3-14). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Fidler with Klear, Devarics, and Ishizuka in order to allow the mobile device the ability to provide the location information rather than the user, which may be tedious or unknown to the user, which can also speed up

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the process since the computer can determine the location much quicker than the user can input it manually.

Claim 8 is rejected for similar reasons as stated above.

Referring to claim 13, Klear discloses the requested service is a location based service (i.e. a movie theater) (e.g. abstract).

Referring to claim 14, Klear in view of Devarics in view of Ishizuka discloses the invention substantively as described in claim 2. Klear in view of Devarics in view of Ishizuka do not specifically disclose the determining the location of the devices is a device-based method. Fidler discloses that the determining the location of the device is a device-based method (col. 2, lines 10-12). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Fidler with Klear, Devarics, and Ishizuka in order to allow the mobile device the ability to provide the location information rather than the user, which may be tedious or unknown to the user, which can also speed up the process since the computer can determine the location much quicker than the user can input it manually.

Referring to claim 15, Klear in view of Devarics in view of Ishizuka discloses the invention substantively as described in claim 2. Klear in view of Devarics in view of Ishizuka do not specifically disclose the determining the location of the devices is a

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network-based method. Fidler discloses that the determining the location of the device is a network-based method (col. 7, lines 1-30). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Fidler with Klear, Devarics, and Ishizuka in order to allow the mobile device the ability to provide the location information rather than the user, which may be tedious or unknown to the user, which can also speed up the process since the computer can determine the location much quicker than the user can input it manually.

Claims 25-28, and 36 are rejected for similar reasons as stated above.

Claims 1-3, 5-7, 9, 11, 12, 17-20, 22-24, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klear et al. (WO 01/03040) (hereinafter Klear) in view of Devarics (USPN 6,553,240) in view of Cottrell et al. (USPN 5,694,484) (hereinafter Cottrell).

Referring to claim 1, Klear discloses a method of providing a service (i.e. purchasing tickets to a movie) at a device and generating, at the location of said device a permanent record (i.e. bar-coded receipt) of said service, said service and said permanent record being process by at least one of a plurality of remote servers (Figure 5, ref. 26), said method comprising the steps of:

receiving at a receiving server, from the device a request for the service (i.e. request to purchase tickets to a movie) (p. 10, lines 28-30);

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providing from the receiving center, data for the request to a service server, said service center being one of said at least one of a plurality of remote servers (p. 10, lines 28-30);

processing the request for service at the service server, said processing generating the data for the service (i.e. generating a response acknowledging the purchase of the movie tickets) (p. 10, lines 28-34);

providing said data for the service to a printing server (i.e. the movie theater POS server), said printing server being one of the plurality of remote servers (pl. 10, lines 28-34);

processing, at the printing server, said data and other stored data to generate input data (i.e. barcoded ticket) for a specific printer (it is inherent that if an object is to be printed it must be formatted in a manner such that it can be read by the printer);

transmitting to said device said input data, said input being rendered by the specific printer at the location of said device as the permanent record (p. 10, lines 28-34).

Klear does not disclose that the device is a mobile device and that the input data transmitted to the mobile device is rendered by the specific printer at the location of the mobile device. In analogous art, Devarics discloses another method to print information off of the Internet which allows input data transmitted to the mobile device (i.e. WAP device 100) to be rendered by a specific printer 120 at the location of the mobile device (it is understood that infrared 110 is a proximal method of communication between devices and that the printer must be at the location of the WAP device 100) (Figure 1;

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col. 7, lines 29-44). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Devarics with Klear since Klear discloses the usage of purchasing movie tickets via a portable device stored on the portable device without needing a hard copy while the PC requires a printout copy of the bar code (p. 10, lines 19-32). This would lead one of ordinary skill in the art to search to combine these two methods eventually arriving at Devarics and its novel method of transferring WAP printing data to a wireless printer via an infrared link (Figure 1).

Klear in view of Devarics does not specifically disclose receiving information identifying a specific printer on which to print the permanent record, and the printing server including stored print data for optimizing the quality of prints printed on various specific printers. In analogous art, Cottrell discloses another method to print information which includes receiving information identifying a specific printer on which to print the permanent record (presentation to a downstream utilization element, an inherent feature to this is to receive information from a source to determine which to downstream element to transmit the data) (col. 5, lines 27-33; col. 8, lines 59-63) as well as the printing server (i.e. image processing system 10) including stored print data for optimizing the quality of prints (i.e. modifying the image data to determine the impact that image processing operations will have on perceived image quality) printed on various specific printers (col. 6, lines 39-67; col. 8, lines 30-63). It would have been obvious to one of ordinary skill in the art to combine the teaching of Cottrell with Klear and Devarics in order to provide an optimal print quality for a plurality of downstream devices without having to guess as to how much to adjust the image to achieve an

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optimal image output by the rendering device as supported by Cottrell (col. 1, lines 53-56).

Claim 2 is rejected for similar reasons as stated above.

Referring to claim 3, Klear discloses completing a transaction at a transaction server, said transaction depending on the requested service, said transaction server being one of said at least one of a plurality of remote servers (p. 10, lines 28-32).

Referring to claim 5, Klear discloses sending a message confirming that the request for service has been fulfilled (p. 10, lines 28-32).

Referring to claim 7, Klear discloses the receiving server is the service server (p. 10, lines 28-32).

Claim 9 is rejected for similar reasons as stated above.

Referring to claim 11, Klear discloses the requested service is an event ticket (p. 10, lines 28-32).

Referring to claim 12, Klear discloses the requested service is a coupon (the Office takes the term coupon as a tangible entity which can be exchanged for goods or services, as in the printed bar code) (p. 10, lines 28-32).

Claims 17-20, 22-24, and 30 are rejected for similar reasons as stated above.

Claims 4, 8, 13-15, and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klear in view of Devarics in view of Cottrell as stated in the claims above, and further in view of Fidler (USPN 6,725,051).

Referring to claim 4, Klear in view of Devarics in view of Cottrell discloses the invention substantively as described in claim 2. Klear in view of Devarics in view of Cottrell do not specifically disclose receiving at the receiving server data on the location of the mobile device, said data generated by means for determining the location of the device. In analogous art, Fidler discloses another location based service provider which discloses receiving at the receiving server data on the location of the mobile device, said data generated by means for determining the location of the device (col. 2, lines 3-14). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Fidler with Klear, Devarics, and Cottrell in order to allow the mobile device the ability to provide the location information rather than the user, which may be tedious or unknown to the user, which can also speed up the

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process since the computer can determine the location much quicker than the user can input it manually.

Claim 8 is rejected for similar reasons as stated above.

Referring to claim 13, Klear discloses the requested service is a location based service (i.e. a movie theater) (e.g. abstract).

Referring to claim 14, Klear in view of Devarics in view of Cottrell discloses the invention substantively as described in claim 2. Klear in view of Devarics in view of Cottrell do not specifically disclose the determining the location of the devices is a device-based method. Fidler discloses that the determining the location of the device is a device-based method (col. 2, lines 10-12). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Fidler with Klear, Devarics, and Cottrell in order to allow the mobile device the ability to provide the location information rather than the user, which may be tedious or unknown to the user, which can also speed up the process since the computer can determine the location much quicker than the user can input it manually.

Referring to claim 15, Klear in view of Devarics in view of Cottrell discloses the invention substantively as described in claim 2. Klear in view of Devarics in view of Cottrell do not specifically disclose the determining the location of the devices is a

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network-based method. Fidler discloses that the determining the location of the device is a network-based method (col. 7, lines 1-30). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Fidler with Klear, Devarics, and Cottrell in order to allow the mobile device the ability to provide the location information rather than the user, which may be tedious or unknown to the user, which can also speed up the process since the computer can determine the location much quicker than the user can input it manually.

Claims 25-28, and 36 are rejected for similar reasons as stated above.

Response to Arguments

3. Applicant's arguments dated June 12, 2006 have been fully considered but are not persuasive.

In the remarks, Applicant argues, in substance, that (1) Ishizuka does not teach or suggest producing "optimal quality print for the specific printer" within the meaning of that language as used in the present claims, as the conclusion the Examiner draws is based on an erroneous interpretation of the teaching of the reference, and (2) Fidler does not teach or even remotely suggest providing the interactive dialog between a user and service provider to obtain a location based service for the user and also to allow the user to make an optimal quality printed record of the service at the location of the mobile device, and (3) the combination of Cottrell et al. with Klear and Devarics is bases

on hindsight and there is no motivation for one of ordinary skill in the art to combine the references.

As to point (1) the Office respectfully disagrees with Appellant's rationale that the Examiner misconstrued the Ishizuka reference. Appellant points out that page 11, lines 11-24 of the present specification describes in detail techniques for producing an image of optimal quality at a specific printer. However, it is noted that the features upon which applicant relies (i.e., techniques described and claimed in patents 5,684,484, 6,128,415, and 6,937,365 as Appellant relies upon) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As such, these techniques described in these patents were not applicable as limitations and were not read into the claims. By this rationale, the rejection should be maintained.

As to point (2), the Office respectfully disagrees again with Appellant's rationale. Appellant does not claim an "interactive dialog between a user and service provider to obtain a location based service", rather receiving...data on the location of the mobile device, said data being generated by means for determining the location of the device" (claim 4). Again it should be stated that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Appellant describes

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this particular feature on page 12, first paragraph, particularly lines 7-13 where it is stated that the location determining means can be network based or device based and that GPS methods are an exemplary form of device based methods. Fidler discloses generating location based data using a real time location system (RTLS) as is shown at col. 5, lines 26-40 and Figure 1, ref. 6. As shown in col. 2, lines 10-14, a PDA uses RTLS to determine its location, and then query a network service provider to determine what restaurants are close by. One of ordinary skill in the art would understand that in order for the network service provider to determine what restaurants are close by, the network service provider would need to receive the location based data from the PDA. By this rationale, the rejection should be maintained.

4. As to point (3), Applicant should be aware that where the specification identifies work done by another as "prior art," the subject matter so identified is treated as admitted prior art. *In re Nomiya*, 509 F.2d 566, 571, 184 USPQ 607, 611 (CCPA 1975). Cottrell is considered prior art under 102(b) and was done as the work of another (i.e. Mr. Cottrell et al.), and therefore this art is considered admitted prior art. See MPEP 2129. Furthermore, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Furthermore, the examiner recognizes that

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obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, It would have been obvious to one of ordinary skill in the art to combine the teaching of Cottrell with Klear and Devarics in order to provide an optimal print quality for a plurality of downstream devices without having to guess as to how much to adjust the image to achieve an optimal image output by the rendering device as supported by Cottrell (col. 1, lines 53-56). By this rationale, the rejection is maintained.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

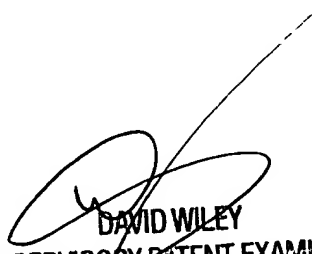
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JEA

August 18, 2006



DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100